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In view of amendment which renders claims 1-3, 5, 7-15 and 18-25 related as combination -sub combination, these claims will all be examined. Claim 6 remains withdrawn.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 does not further limit claim 1. In claim 11, the term "paralleliped" is indefined.

The drawing objection regarding the liquid flow path a held in abeyance pending the proposed drawing correction. The drawing objection concerning the power supply and focussing to a selected depth (claims 24 and 26) are hereby repeated. The drawing are further objected to as no parallelipedic prism is shown.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 5, 19, 22, and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Allemann et al.

Claims 7-9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gustafsson.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 10-12, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allemann et al in combination with Gustafsson. Allemann et al teach a lamp which outputs 400J/cm<sup>2</sup> and uses filters including a water filter. Gustafsson teaches using circulating water to cool flash tubes and an optical fiber applicator with a convex tip. It would have been obvious to the artisan of ordinary skill to employ the lamp of Gustafsson in the device of Allemann et al, since Allemann et al disclose no particular lamp and Alleman et al includes a water filter; to include a fiber optic to deliver the radiation, since this is not critical, provides no unexpected result, and provides greater flexibility of placement of the subject and light source than the lens arrangement of Allemann et al; and to provide concave or parallelepiped shape at the light guide distal end, since these are equivalent to the convex tip <sup>and provides</sup> ~~and provides~~ no unexpected result, thus ~~in~~ producing a device such as claimed.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

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has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-3, 5, 7-10, 13-15, and 19 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Anderson et al.

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allemann et al in combination with Anderson et al and Mass. Allemann et al provide the teachings set forth above. Mass teaches a simmer power supply including a capacitor and resistor arrangement as claimed. Anderson et al teaches the desirability of providing pulses wherein the ratio of the light power output to the time weighted average thereof is in the claimed range. It would have been obvious to employ the ratio of light power to time weighed ~~a~~ average <sup>of</sup> of light power as taught by Anderson et al, since this provides more constant light distribution; to employ a simmer circuit as taught by Mass, since this enables flash lamps to be operated such that pulses with the desired ratio can be produced and to employ a discharge switch, since these are notorious for triggering flash lamps, thus producing a device such as claimed.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allemann et al as applied to claim 1 above, and further in view of Vassiliadis et al.

Vassiliadis et al teach the desirability of employing an interlock on a <sup>filter</sup> ~~fiber~~. It would have been <sup>ob</sup> obvious to the artisan of ordinary skill to employ an interlock on the filter in the device of Allemann et al, since this would provide a safer device, thus producing a device such as claimed.

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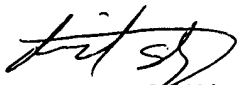
Regarding the drawing objection based on claim 24, applicants respectful indication of the contents of Figure 1 are noted. However, the examiner respectfully notes that the resistor, capacitor and switch are illustrated as being quite separate and a part from element 12 therein, which is clearly marked "Power Supply". In view of this, the examiner must reiterate that there is no illustration of a power supply comprising a capacitor resistor and a switch.

Applicant's arguments with respect to claims 1-3-5, 7-15, and 18-25 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to David Shay at telephone number (703) 308-2215.

  
DAVID M. SHAY  
PRIMARY EXAMINER  
GROUP 330

**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.